

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PHYLLIS W. CHENG,  
Plaintiff,

v.

WINCO FOODS, LLC, et al.,  
Defendants.

Case No. 14-cv-00483-JST

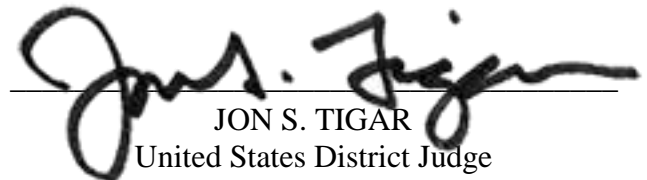
**MINUTE ORDER REGARDING  
NOTICE OF PENDENCY OF OTHER  
ACTION OR PROCEEDING**

Re: ECF No. 17

Plaintiff Cheng has filed a “Notice of Pendency of Other Action or Proceeding” pursuant to Civil Local Rule 3-13. ECF No. 17. Civil Local Rule 3-13 applies when the other case is pending “in any *other* federal or state court” (emphasis added). When, as here, the purportedly related case is pending before another judge of *this* court, the applicable rule is Civil Local Rule 3-12. It appears that Plaintiff already filed an Administrative Motion to Consider Whether Cases Should be Related pursuant to Civil L.R. 3-12, and the judge assigned to the earlier-filed case has already determined that the cases are not related.<sup>1</sup> See Clerk’s Notice, Stowers v. WinCo Foods, L.L.C., No. 13-cv-02631-TEH (N.D. Cal. Feb. 20, 2014); see also ECF No. 9 in this action. Therefore, Defendants need not file any opposition pursuant to Civil Local Rule 3-13(c), since there is no action the undersigned could take to reassign or transfer this action.

**IT IS SO ORDERED.**

Dated: March 14, 2014

  
JON S. TIGAR  
United States District Judge

<sup>1</sup> Plaintiff did not, as required by Civ. L.R. 3-12(b), file any courtesy copy of the motion on the docket for this action.